

# HOUSE BILL No. 1392

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-20-3.6.

**Synopsis:** Cost of referenda for controlled projects. Provides that a referendum on a controlled project may be voted on at a special election only if the fiscal body of the political subdivision that wishes to issue the bonds or enter into the lease agrees to pay the costs of holding the special election, regardless of whether there are any elections scheduled for the year in which the special election is held. (Current law provides that in a year without any elections, the political subdivision that requests the special election is not required to pay the costs of holding the special election.)

**Effective:** Upon passage.

**Moseley**

January 13, 2009, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1392

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 6-1.1-20-3.6, AS ADDED BY P.L.146-2008,  
2       SECTION 194, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) This section applies  
4       only to a controlled project described in section 3.5(a) of this chapter.  
5       (b) If a sufficient petition requesting the application of the local  
6       public question process has been filed as set forth in section 3.5 of this  
7       chapter, a political subdivision may not impose property taxes to pay  
8       debt service on bonds or lease rentals on a lease for a controlled project  
9       unless the political subdivision's proposed debt service or lease rental  
10      is approved in an election on a local public question held under this  
11      section.  
12      (c) The following question shall be submitted to the voters at the  
13      election conducted under this section:  
14          "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
15          issue bonds or enter into a lease to finance \_\_\_\_\_ (insert  
16          the description of the controlled project)?"  
17      (d) The county auditor shall certify the public question described in



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subsubsection (c) under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. After the public question is certified, the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary election, general election, or municipal election will not be held in the six (6) month period after the county auditor certifies the public question, the public question shall be placed on the ballot at a special election to be held:

(1) not earlier than ninety (90) days; and

(2) not later than one hundred twenty (120) days;

after the public question is certified if the fiscal body of the political subdivision that wishes to issue the bonds or enter into the lease requests the public question to be voted on in a special election. ~~However, in a year in which a general election or municipal election is held, the public question may be placed on the ballot at a special election only if the fiscal body of the political subdivision that requests the special election and agrees to pay the costs of holding the special election. In a year in which a general election is not held and a municipal election is not held, the fiscal body of the political subdivision that requests the special election is not required to pay the costs of holding the special election.~~ The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(e) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(f) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the voters voting on the public question vote in favor of the public question.

(g) If a majority of the voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than one (1) year after the date of the election.

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1 (h) IC 3, to the extent not inconsistent with this section, applies to  
2 an election held under this section.

3 (i) A political subdivision may not artificially divide a capital  
4 project into multiple capital projects in order to avoid the requirements  
5 of this section and section 3.5 of this chapter.

6 SECTION 2. **An emergency is declared for this act.**

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